

JUSTIFICATION FOR NONCOMPETITIVE PROCUREMENT

I recommend that negotiations be conducted only with

_____ for supplies and / or services described in Contract Request / Requisition No. _____ for the reasons checked below. (Reference instructions)

Name Of Initiator

Phone

Signature

Date

Procurement History

Estimated Cost _____

Schedule Requirements

Exclusive Capability

- ☐ Unique capability, expertise, facilities, or equipment that no other source can provide to satisfy the Laboratory's requirements (explain)
- ☐ Standardization of parts and/or compatibility with existing equipment (explain)
- ☐ Proprietary or licensed equipment, process, or software available only from recommended supplier
- ☐ Follow-on work for continued development or enhancement of goods or services and it is likely that award to a source other than the incumbent supplier would result in substantial duplication of costs that would not be recovered or would cause unacceptable delays in fulfilling program needs
- ☐ Unusual or compelling urgency (i.e. the necessity to shorten procurement cycle to meet milestone dates established by a government agency)
- ☐ Authorized or required by statute (identify)
- ☐ International Agreement (Identify)
- ☐ Identified source is acknowledged to be the leader in its field of expertise as demonstrated in reputable and valid literature, symposia presentations, etc. (Normally appropriate for R & D but not goods and services)
- ☐ National Security or public interest
- ☐ Other (please explain)

Additional information in support of exclusive capability

Approved:

AUTHORIZED REPRESENTATIVE

DATE

PROCUREMENT APPROVAL

DATE

INSTRUCTIONS TO REQUISITIONER

A "Justification for Noncompetitive Procurement" required for all procurement requests in excess of \$25,000 (unless otherwise exempt) where the initiating program office concludes that one source has exclusive capability to perform the work within the time required and at reasonable prices, and recommends that a contract/purchase order be negotiated only with that source. The recommendation shall examine the reasons for the procurement being noncompetitive; the degree of consideration that has been given to other sources in the particular field and the reason(s) they lack the capability(ies) and/or capability that the proposed source evidences. The following considerations must be made and supported in preparing the justification. Detail may be commensurate with complexity and value of requirement but content must permit sound judgment of justification. Additional supporting data should be attached if necessary.

I. DESCRIPTION OF SUPPLIES OR SERVICES TO BE PROCURED

- A. A brief, general nontechnical description and statement of the general application and particular significance or specialized character of the procurement.
- B. A description of all associated supplies or services, e.g., technical data, reports, engineering services, and so forth to be procured.

II. PROCUREMENT HISTORY, ESTIMATED FUTURE REQUIREMENTS, AND LONG RANGE PROCUREMENT OBJECTIVES

- A. Brief statement of the technical and contractual evolution of the supplies or services being procured from initiation to present status.
- B. Brief statement as to whether the work is a continuation of previous effort performed by the proposed supplier.
- C. Reference should be made to any advance planning information previously prepared or furnished, together with information with respect to any changes proposed in the present justification which represents a departure or modification of prior procurement plans, including a statement of the effect of the changes, if any, on scheduled milestones.
- D. Brief statement as to what actions have been taken to develop competition and eliminate a noncompetitive situation in future procurements of the proposed supplies or services.

III. ESTIMATED COST

- A. The estimated cost of the procurement and a brief description of assumptions made and data used by the initiating program office to develop the estimate.
- B. The estimated cost listed by fiscal years.
- C. Whether the proposed supplier or the Laboratory have a substantial investment of some kind that would have to be duplicated at Laboratory expense by another source.

IV. SCHEDULE REQUIREMENTS

- A. The basis for establishing schedule requirements.
- B. An explanation of the urgency, if any, of the requirement. Describe why the schedules are critical and why only the proposed supplier can meet them.
- C. Describe what significant cost savings or other benefits could result if schedules could be relaxed and whether competition could thus be obtained.

V. EXCLUSIVE CAPABILITY

- A. Does the proposed supplier have personnel considered unquestionably predominant experts in the particular field?
- B. What prior experience of a highly specialized nature does the source exclusively possess that is vital to the proposed effort?
- C. What facilities and/or test equipment does the source exclusively have that are complex or specialized and vital to the effort?
- D. Is competition precluded because of the existence of patent rights, copyrights, secret processes, trade secrets, technical data, or other proprietary data?
- E. What other capability and/or capacity does the proposed supplier have that is necessary for the specific effort and makes it clearly the only source that can perform the work on the required time schedule without incurring clearly unreasonable costs?

VI. OTHER

- A. If lack of drawings or specifications are a constraining factor, why is the proposed supplier clearly best able to perform under these circumstances? Why are the drawings and specifications lacking? What is the lead time required to get drawings and specifications suitable for competition?
- B. Are parts or components being procured as replacement parts in support of equipment specially designed by a manufacturer, where data available are not adequate to assure the parts or components obtained from another source would perform the same function?

VII. REVIEW AND APPROVAL

- A. Authorized Representative (Division Director or higher level).
- B. Appropriate Procurement official.